

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL A. HARTSELL,  
Plaintiff,  
v.  
COUNTY OF SAN DIEGO; SAN  
DIEGO COUNTY DEPUTY SHERIFF  
TRENTON STROH,  
Defendants

Case No.: 16CV1094-LAB(JMA)

**NOTICE AND ORDER FOR EARLY  
NEUTRAL EVALUATION  
CONFERENCE**

**IT IS HEREBY ORDERED** an Early Neutral Evaluation Conference will be held on **October 19, 2017** at **10:00 a.m.** in the chambers of the Honorable Jan M. Adler, United States Magistrate Judge, Edward J. Schwartz United States Courthouse, 221 West Broadway, San Diego, California. Pursuant to Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, **with the exception of Plaintiff Michael A. Hartsell<sup>1</sup>, who**

<sup>1</sup> Plaintiff Michael A. Hartsell is currently incarcerated at the Federal Correctional Institution Safford, in Safford, Arizona. The Court, therefore, will permit Mr. Hartsell to appear telephonically and directs necessary arrangements be made with the Federal Bureau of Prisons in order for Mr. Hartsell to participate in the Early Neutral Evaluation Conference by telephone.

1 is incarcerated, all named parties, all counsel, and any other person(s)  
 2 whose authority is required to negotiate and enter into settlement shall  
 3 appear in person at the conference, shall be prepared to discuss the claims  
 4 and defenses, and shall be legally and factually prepared to discuss and resolve  
 5 the case at the Early Neutral Evaluation Conference. The individual(s) present  
 6 at the Early Neutral Evaluation Conference with settlement authority must  
 7 have the unfettered discretion and authority on behalf of the party to: 1)  
 8 fully explore all settlement options and to agree during the Early Neutral  
 9 Evaluation Conference to any settlement terms acceptable to the party (G.  
 10 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir.  
 11 1989)), 2) change the settlement position of a party during the course of the  
 12 Early Neutral Evaluation Conference (Pitman v. Brinker Int'l, Inc., 216 F.R.D.  
 13 481, 485-86 (D. Ariz. 2003)), and 3) negotiate a settlement without being  
 14 restricted by any predetermined level of authority (Nick v. Morgan's Foods,  
 15 Inc., 270 F.3d 590, 596 (8th Cir. 2001)).

16 Governmental entities may appear through litigation counsel only. As to all  
 17 other parties, appearance by litigation counsel only is not acceptable. Retained  
 18 outside corporate counsel shall not appear on behalf of a corporation as the party  
 19 who has the authority to negotiate and enter into a settlement. **The failure of**  
 20 **any counsel, party or authorized person to appear at the Early Neutral**  
 21 **Evaluation Conference as required will result in the immediate imposition**  
 22 **of sanctions.**

23 All conference discussions will be informal, off the record, privileged, and  
 24 confidential.

25 Although the submission of statements is not required in advance of the  
 26 Early Neutral Evaluation Conference, parties may submit concise statements if  
 27 desired. If a statement is submitted, it shall be provided to chambers no later  
 28

1 than one week prior to the scheduled conference.<sup>2</sup> If the parties submit  
2 statements in connection with the Early Neutral Evaluation Conference, they may  
3 either do so on a confidential basis or may exchange their statements.

4 Rule 26 of the Federal Rules of Civil Procedure shall apply to this case. All  
5 discovery shall be stayed until after the Rule 26(f) conference, unless otherwise  
6 permitted by Rule 26(d)(1).

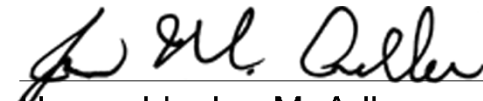
7 In the event the case does not settle at the Early Neutral Evaluation  
8 Conference, the parties shall also be prepared to discuss the following matters at  
9 the conclusion of the conference:

- 10 1. Any anticipated objections under Federal Rule of Civil Procedure  
11 26(a)(1) to the initial disclosure provisions of Rule 26(a)(1)(A-E);
- 12 2. The scheduling of the Rule 26(f) conference;
- 13 3. The date of initial disclosures and the date for lodging the discovery  
14 plan following the Rule 26(f) conference; and
- 15 4. The scheduling of a Case Management Conference pursuant to Rule  
16 16(b).

17 Questions regarding this case may be directed to the Magistrate Judge's  
18 law clerk at (619) 557-5585.

19 **IT IS SO ORDERED.**

20 Dated: September 5, 2017

21   
22 Honorable Jan M. Adler  
23 United States Magistrate Judge  
24

25 <sup>2</sup> Statements under 20 pages in length, including attachments and exhibits, may be e-mailed to  
26 efile\_adler@casd.uscourts.gov, faxed to (619) 702-9939, or delivered to chambers via the  
27 Office of the Clerk of Court at 333 West Broadway, Suite 420, San Diego, California.  
28 Statements exceeding 20 pages in length, including attachments and exhibits, must be  
delivered to chambers via the Office of the Clerk of Court.